

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CONTINENTAL WESTERN INSURANCE COMPANY,

Plaintiff

v.

Case No. 2:19-cv-2116

**CONCEPT AGRI-TEK, LLC f/k/a CONCEPT AG LLC,
A Missouri limited liability company, GREG CRIGLER;
DAVID ALLEN HALL; THOMAS BURRELL;
INTERNATIONAL TRUSTEE GROUP, LLC
a Tennessee limited liability company;
TYRONE GRAYER; WALTER JACKSON; and
MONIQUE JACKSON,**

Defendants.

**DEFENDANT'S ANSWER TO COMPLAINT FOR
DECLARATORY JUDGMENT**

Comes now Defendants, Thomas Burrell ; Tyrone Grayer; Walter Jackson and Monique Jackson
("Defendants"), by counsel,

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Now , responding specifically to the allegations in Plaintiff's complaint by like-numbered
paragraphs as follows:

THE PARTIES

1. The allegations of paragraph 1 are admitted upon information and belief.
2. The allegations of paragraph 2. are admitted upon information and belief.
 - a. The allegations of paragraph 2.a. are admitted upon information and belief.

- b. The allegations of paragraph 2.b. are admitted upon information and belief.
- 3. The allegations of paragraph 3. are admitted upon information and belief.
- 4. The allegations of paragraph 4 are admitted.
- 5. The allegations of paragraph 5 are admitted.
- 6. The allegations of paragraph 6 are admitted .
 - a. The allegations of paragraph 6.a. are admitted
 - b. The allegations of paragraph 6.b. are admitted
- 7. The allegations of paragraph 7.. are admitted
- 8. The allegations of paragraph 8.. are admitted
- 9. The allegations of paragraph 9.. are admitted.

JURISDICTION AND VENUE

- 10. The allegations of paragraph 10.. are admitted
- 11. The allegations of paragraph 11. are admitted
- 12. The allegations of paragraph 12.. are admitted

THE UNDERLYING LAWSUIT

- 13. The allegations of paragraph 13. are admitted

14. The allegations of paragraph 14.. are admitted

15. The allegations of paragraph 15.. are admitted

The Parties to the *HALL* FAC

16. The allegations of paragraph 16.. are admitted

17. The allegations of paragraph 17.. are admitted

18. The allegations of paragraph 18.. are admitted

19. The allegations of paragraph 19.. are admitted

20. The allegations of paragraph 20.. are admitted

21. The allegations of paragraph 21.. are admitted

22. The allegations of paragraph 22.. are admitted

23. The allegations of paragraph 23. are admitted

THE CLAIMS ASSERTED IN THE *HALL* FAC

24. The allegations of paragraph 24. are admitted

25. The allegations of paragraph 25. are admitted

26. The allegations of paragraph 26. are admitted

27. The allegations of paragraph 27. are admitted

28. The allegations of paragraph 28. are admitted

29. The allegations of paragraph 29. are admitted

30. The allegations of paragraph 30. are admitted

31. The allegations of paragraph 31. are admitted

32. The allegations of paragraph 32. are admitted

33. The allegations of paragraph 33. are admitted

34. The allegations of paragraph 34 are admitted

35. The allegations of paragraph 35. are admitted

36. The allegations of paragraph 36 are admitted

37. The allegations of paragraph 37. are admitted

38. The allegations of paragraph 38. are admitted

39. The allegations of paragraph 39 are admitted

40. The allegations of paragraph 40. are admitted

41. The allegations of paragraph 41. are admitted

42. The allegations of paragraph 42. are admitted

43. The allegations of paragraph 43. are admitted

44. The allegations of paragraph 44. are admitted

45. The allegations of paragraph 45. are admitted

46. The allegations of paragraph 46. are admitted

47. The allegations of paragraph 47. are admitted

48. The allegations of paragraph 48. are admitted

49. The allegations of paragraph 49. are admitted

50. The allegations of paragraph 50. are admitted

51. The allegations of paragraph 51. are admitted

52. The allegations of paragraph 52. are admitted

53. The allegations of paragraph 53. are admitted

54. The allegations of paragraph 54. are admitted

55. The allegations of paragraph 55 are admitted

56. The allegations of paragraph 56. are admitted

57. The allegations of paragraph 57. are admitted

58. The allegations of paragraph 58. are admitted

59. The allegations of paragraph 59. are admitted

60. The allegations of paragraph 60. are admitted

61. The allegations of paragraph 61. are admitted

62. The allegations of paragraph 62. are admitted

63. The allegations of paragraph 63. are admitted

64. The allegations of paragraph 64. are admitted

65. The allegations of paragraph 65. are admitted

66. The allegations of paragraph 66. are admitted

67. The allegations of paragraph 67.. are admitted

THE CONTINENTAL WESTERN INSURANCE POLICY

68. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 68. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

69. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 69. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

70. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 70.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

COUNT I

CRIGLER DOES NOT QUALIFY AS AN INSURED UNDER THE POLICY

71. The allegations of paragraph 71 are legal conclusions which are not required to be admitted or denied.

72. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 72.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

73. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 73.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

74. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 74.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

75. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 75.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

76. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 76.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

77. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 77.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

78. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 78.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

79. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 79.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

80. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 80.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

81. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 81.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

82. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 82.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

83. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 83.. and therefore demand strict proof thereof if Defendants' rights are affected thereby.

84. The allegations of paragraph 84 are admitted.

COUNT II

NO "PROPERTY DAMAGE" CAUSED BY AN "OCCURRENCE" DURING THE POLICY PERIOD

85. . The allegations of paragraph 85 are legal conclusions which are not required to be admitted or denied.

86. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 86.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

* * *

SECTION I – COVERAGES

COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY

87. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 87.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

88. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 88.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

**SEED MERCHANTS – COVERAGE FOR ERRONEOUS DELIVERY OR MIXING
(RESULTING FAILURE OF SEED TO GERMINATE NOT INCLUDED)**

* * *

89. The allegations of paragraph 89 are admitted

90. The allegations of paragraph 90 are denied.

91. The allegations of paragraph 91are denied.

92. The allegations of paragraph 92 are admitted

COUNT III

THE “DAMAGE TO PROPERTY” EXCLUSION BARS COVERAGE

93. . The allegations of paragraph 93 are legal conclusions which are not required to be admitted or denied.

94. . Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 94.. and therefore demand strict proof thereof if Defendants’ rights are affected thereby

95. The allegations of paragraph 95 are admitted.

96. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 96.. and therefore demand strict proof thereof if Defendants’ rights are affected thereby

97. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 97.. and therefore demand strict proof thereof if Defendants’ rights are affected thereby

98. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 98.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

99. The allegations of paragraph 99 are admitted.

COUNT IV

THE "EXPECTED OR INTENDED INJURY" EXCLUSION BARS COVERAGE

100. . The allegations of paragraph 100. are legal conclusions which are not required to be admitted or denied.

101. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 101.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

102. The allegations of paragraph 102 are denied.

103. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 103.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

104. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 104.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

105. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 105.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

106. The allegations of paragraph 106 are admitted.

COUNT V

**THE 'DAMAGE TO IMPAIRED PROPERTY OR PROPEERTY NOT
PHYSICALLY INJURED" EXCLUSION BARS COVERAGE**

107. . The allegations of paragraph 107 are legal conclusions which are not required to be admitted or denied.

108. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 108.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

109. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 109.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

* * *

110. The allegations of paragraph 110 are denied.

111. The allegations of paragraph 111 are denied.

112. The allegations of paragraph 112 are denied.

113. The allegations of paragraph 113 are denied.

114. The allegations of paragraph 114 are admitted.

COUNT VI

THE EXCLUSION IN THE SEED MERCHANTS ENDORSEMENT BARS COVERAGE

115. . The allegations of paragraph 115 are legal conclusions which are not required to be admitted or denied.

116. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 116. and therefore demand strict proof thereof if Defendants' rights are affected thereby

117. The allegations of paragraph 117 are admitted.

118. The allegations of paragraph 118 are denied.

119. The allegations of paragraph 119 are denied

120. The allegations of paragraph 120 are admitted.

COUNT VII

NO COMMERCIAL EXCESS LIABILITY COVERAGE

121. The allegations of paragraph 121 are legal conclusions which are not required to be admitted or denied.

122. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 122.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

COMMERCIAL EXCESS LIABILITY COVERAGE FORM

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* * *

123. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 123.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

124. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 124.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

125. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 125.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

126.. The allegations of paragraph 126 are denied

127. The allegations of paragraph 127 are denied

128. The allegations of paragraph 128 are admitted.

COUNT VIII

PUNITIVE DAMAGES ARE SPECIFICALLY EXCLUDED UNDER POLICY

129. . The allegations of paragraph 129 are legal conclusions which are not required to be admitted or denied.

130. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 83.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

EXCLUSION

PUNITIVE DAMAGES

131.The allegations of paragraph 131 are admitted.

132. Defendants are without knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations in Paragraph 132.. and therefore demand strict proof thereof if Defendants' rights are affected thereby

133.The allegations of paragraph 133 are denied.

134. The allegations of paragraph 133 are admitted..

THIRD AFFIRMATIVE DEFENSE

Defendants herein intend to rely upon such other defenses as may become legally available hereunder or become apparent during discovery or during the pendency of the action and hereby reserves the right to plead any such defense by amending this answer. Any allegation made herein by Plaintiff that is not denied previously herein is here and now denied as fully as though denied verbatim herein.

This the 1st day of July 2019.

Respectfully submitted

PAUL ROBINSON JR.

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